

THURSDAY, APRIL 14, 1983

TWENTY-EIGHTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend C. Wylie Smith, Waverly Road Presbyterian Church, Kingsport, Tennessee.

Representative Montgomery led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 94

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

The Speaker announced that Representatives Bragg, Brewer and Starnes were excused to attend the State-Federal Assembly meeting of the N.C.S.L. in Washington, D.C.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 263 and 652; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No:

666--To make certain provisions, constables; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos:

140--Relative to congratulating Knoxville College women's basketball team;

149--Relative to memory, Dr. Webster Pendergrass; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 361, 496, 608, 666, 803, 953, 1258 and 1264; House Joint Resolutions Nos. 140 and 149 and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 361, 496, 608, 666, 803, 953, 1258 and 1264; and House Joint Resolutions Nos. 140 and 149.

CALENDAR

Mr. Murphy moved that House Bill No. 536 be placed on the Calendar for Thursday, April 28, 1983, which motion prevailed.

Mr. Miller moved that House Bill No. 440 be placed on the Calendar for Thursday, April 28, 1983, which motion prevailed.

House Bill No. 192--To make certain provisions, juvenile jurisdiction.

Mr. Murphy moved that House Bill No. 192 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Shookley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Ms. DeBerry, Speaker pro tem.

House Bill No. 599--To amend Section 29-20-203, Code.

Mr. Murphy moved that House Bill No. 599 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby),

Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Representative voting no was: Hudson--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 816--To provide for forfeiture of charter, certain municipal corporations.

On motion, House Bill No. 816 was made to conform with Senate Bill No. 841.

On motion, Senate Bill No. 841, on same subject, was substituted for House Bill No. 816.

Mr. Crain moved that Senate Bill No. 841 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Yelton--89.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 869--To increase fine for shoplifting.

Mr. Crain moved that House Bill No. 869 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dissspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--89.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 849--To require notice, certain baited fields.

Mr. Burnett moved that House Bill No. 849 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 849 by deleting the words "law enforcement officer or" in the first sentence of the amendatory language in Section 1.

AND FURTHER AMEND by adding after the words "any such person" in the second sentence of the amendatory language in Section 1, the words "discovers and".

AND FURTHER AMEND by adding a new sentence at the end of the amendatory language in Section 1, as follows:

The Tennessee wildlife resources agency and its officers and employees shall be exempt from civil liability in its actions in enforcement of this section.

On motion, the amendment was adopted.

Thereupon, House Bill No. 849, as amended, passed its third and final consideration by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 683--To make certain provisions, prescription of drugs.

On motion, House Bill No. 683 was made to conform with Senate Bill No. 782.

On motion, Senate Bill No. 782, on same subject, was substituted for House Bill No. 683.

Mr. Crain moved that Senate Bill No. 782 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Mr. Speaker McWherter was present.

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A motion to reconsider was tabled.

On motion, Senate Bill No. 145 was recalled from the Committee on Transportation.

House Bill No. 684--To make certain provision, slow-moving vehicles.

On motion, House Bill No. 684 was made to conform with Senate Bill No. 145.

On motion, Senate Bill No. 145, on same subject, was substituted for House Bill No. 684.

Mr. Crain moved that Senate Bill No. 145 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 145 in the amendatory language of Section 1 by deleting the words:

shall turn off the roadway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the highway, or wherever sufficient area for a safe turnout exists

and substituting instead the words:

shall turn or pull off the roadway wherever sufficient area exists to do so safely

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 145, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan); Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs,

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Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--92.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 986--To amend Section 47-1-201, Code.

On motion, House Bill No. 986 was made to conform with Senate Bill No. 1122.

On motion, Senate Bill No. 1122, on same subject, was substituted for House Bill No. 986.

Mr. Jared moved that Senate Bill No. 1122 be passed on third and final consideration, which prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 985--To amend Savings and Loan Act.

On motion, House Bill No. 985 was made to conform with Senate Bill No. 1123.

On motion, Senate Bill No. 1123, on same subject, was substituted for House Bill No. 985.

Mr. Jared moved that Senate Bill No. 1123 be passed on third and final consideration.

Mr. Jared moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1123 by adding a new paragraph at the end of the amendatory language in SECTION 1, said new paragraph to read as follows:

Nothing herein shall be construed as exempting associations from compliance with Tennessee Code Annotated Sections 66-29-101, et seq., to the extent applicable.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1123, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 473--To make provisions, sale of controlled substances.

On motion, House Bill No. 473 was made to conform with Senate Bill No. 44.

On motion, Senate Bill No. 44, on same subject, was substituted for House Bill No. 473.

Mr. McNally moved that Senate Bill No. 44 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 44 by deleting the amendatory language of Section 1 and substituting instead the following:

(a) Any person who offers, arranges, or negotiates for the sale, delivery or distribution of a substance which is represented to be a controlled substance and which is substantially similar in color, shape, size, markings or lack thereof to a Schedule I, II, III or IV controlled substance, as classified in Tennessee Code Annotated, Sections 52-1413, 52-1415, 52-1417, and 52-1419, respectively, to any person and then sells, delivers or distributes to such person any such substance that is not in fact a Schedule I, II, III or IV controlled substance shall, upon such person's first conviction for a violation of this subsection, be guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of this subsection, such person shall be guilty of a felony.

(b) Any person who manufactures for sale or exchange any substance with the intent that such substance substantially imitate in color, shape, size and markings or lack thereof the physical appearance of a Schedule I, II, III or IV controlled substance, as classified in Tennessee Code Annotated, Sections 52-1413, 52-1415, 52-1417, and 52-1419, respectively, in order that the substance may be sold as a controlled substance shall be guilty of a felony.

(c) The provisions of this section shall not apply to (1) any person who manufactures or sells a substance for use as a placebo by a licensed physician, pharmacist or registered nurse acting under the direction of such a physician or pharmacist; (2) a licensed physician, pharmacist or registered nurse who sells, dispenses, administers, or otherwise distributes a placebo to a patient of such physician for purposes of the medical care or treatment of such patient; (3) a substance used in U.S. Food and Drug Administration approved investigational new drug trials; (4) a noncontrolled substance that was introduced into commerce prior to the introduction into commerce of the controlled substance which it is alleged to imitate; or (5) a manufacturer or wholesaler of a substance if such substance is packaged and labeled in accordance with appropriate rules and regulations of the U.S. Food and Drug Administration.

(d) Any person who violates the provisions of subsection (a) for the second or subsequent time or who violates the provisions of subsection (b) shall, upon conviction, be punished by imprisonment for not less than one (1) nor more than one (1) year or by a fine not to exceed five thousand dollars (\$5,000) or, in the discretion of the jury or court, by both fine and imprisonment.

On motion, the amendment was adopted.

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Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 44 by deleting from the amendatory language of subsection (a) of SECTION 1 the following words and punctuation mark:

such person's first conviction for a violation of this subsection, be guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of this subsection, such person shall be guilty of a felony.

and substituting instead the following:

conviction, be guilty of a misdemeanor.

FURTHER AMEND by deleting from the amendatory language of subsection (d) of SECTION 1 the words "(a) for the second or subsequent time or who violates the provisions of subsection".

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 44 by adding the following new subpart (a) to subsection (c) of SECTION 1 and by renumbering the remaining subparts accordingly:

(2) a substance which may be legally purchased at a drug or other store without a prescription provided such substance is not represented by the seller to be a controlled substance;

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 44 by inserting after the word controlled drugs wherever it appears, or legend drugs

On motion, the amendment was adopted.

Mr. Chiles moved that Senate Bill No. 44 be re-referred to the Committee on Labor and Consumer Affairs.

Mr. McNally moved that the motion be tabled, which motion prevailed by the following vote:

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Ayes	59
Noes	22
Present and not voting	4

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Byrd, Clark (Davidson), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Ellis, Elsea, Ford, Frensley, Gafford, Harrill, Hassell, Henry, Herndon, Hillis, Huskey, Jared, Johnson, Kelley, Kernell, Kisber, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Shockley, Sir, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Whitson, Williams, Wolfe, Wood, Work and Yelton--59.

Representatives voting no were: Bell, Burnett, Chiles, Clark (Sumner), Cobb, DeBerry, DePriest, Disspayne, Gaia, Gill, Hurley, Kent, King (Shelby), McKinney, Moore (Sullivan), Murphy, Murray, Rhinehart, Robertson, Scruggs, Webb and Withers--22.

Representatives present and not voting were: Crain, Dixon, Hudson and Wix--4.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 44 by adding a new section which shall read as follows:

"Section _____. The receipt of a sale or exchange of a substance set forth in this Act shall be guilty of a misdemeanor in addition to the penalties set forth in the misdemeanor penalty the court may in addition impose a mandatory drug rehabilitation program."

On motion, the amendment was adopted.

Mr. McNally moved that Senate Bill No. 44 be placed on the Calendar for Monday, April 25, 1983, which motion prevailed.

House Bill No. 479--To amend Section 67-101, Code.

On motion, House Bill No. 479 was made to conform with Senate Bill No. 506.

On motion, Senate Bill No. 506, on same subject, was substituted for House Bill No. 479.

Mr. McNally moved that Senate Bill No. 506 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

On motion, Senate Bill No. 37 was recalled from the Committee on Judiciary.

House Bill No. 940--To create statutory offense of indecent exposure.

On motion, House Bill No. 940 was made to conform with Senate Bill No. 37.

On motion, Senate Bill No. 37, on same subject, was substituted for House Bill No. 940.

Mr. Robinson (Washington) moved that Senate Bill No. 37 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance,

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Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Representative present and not voting was: Owen--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 545--To amend Section 55-7-116, Code.

Mr. Yelton moved that House Bill No. 545 be passed on third and final consideration.

Mr. Hurley moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 545 by deleting from the amendatory language of Section 1 the words and figures "forty-five (45) days nor more than eleven (11) months and twenty-nine (29) days" and substituting instead the words and figures "two (2) days nor more than six (6) months".

On motion, the amendment was adopted.

Thereupon, House Bill No. 545, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--92.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 429--To authorize certain industrial development boards to issue bonds.

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On motion, House Bill No. 429 was made to conform with Senate Bill No. 562.

On motion, Senate Bill No. 562, on same subject, was substituted for House Bill No. 429.

Mr. Sir moved that Senate Bill No. 562 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	77
Noes	0
Present and not voting	13

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Herndon, Hillis, Hurley, Huskey, Jared, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Ussery, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--77.

Representatives present and not voting were: Crain, Davis (Gibson), Harrill, Henry, Hudson, Johnson, Kelley, Montgomery, Naifeh, Pickering, Tanner, Turner and Wallace--13.

A motion to reconsider was tabled.

House Bill No. 771--To amend Section 17-1-106, Code.

On motion, House Bill No. 771 was made to conform with Senate Bill No. 593.

On motion, Senate Bill No. 593, on same subject, was substituted for House Bill No. 771.

Mr. McAfee moved that Senate Bill No. 593 be passed on third and final consideration.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 593 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 17-1-106 is amended by adding the following new subsection:

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() Notwithstanding any provision of subsection (b) to the contrary, the provisions of this section shall apply to any county having a population of not less than 287,700 nor more than 287,800 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 593, as amended, passed its third and final consideration by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work and Yelton--89.

A motion to reconsider was tabled.

Mr. Whitson moved that House Bill No. 1154 be placed on the Calendar for Monday, April 25, 1983, which motion prevailed.

House Bill No. 1150--To regulate entities providing health care coverage.

On motion, House Bill No. 1150 was made to conform with Senate Bill No. 1061.

On motion, Senate Bill No. 1061, on same subject, was substituted for House Bill No. 1150.

Mr. Hudson moved that Senate Bill No. 1061 be placed on the Calendar for Thursday, April 28, 1983, which motion prevailed.

Mr. Davis (Gibson) moved that House Bill No. 76 be placed on the Calendar for Thursday, April 28, 1983, which motion prevailed.

Mr. Hudson moved that House Bill No. 1196 be placed on the Calendar for Thursday, April 28, 1983, which motion prevailed.

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House Bill No. 499--To create Tennessee Competitive Export Corporation.

Mr. Copeland moved that House Bill No. 499 be passed on third and final consideration.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 499 by deleting all the language following the enacting clause and substituting the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Export Development Act of 1983".

SECTION 2. The General Assembly finds and declares that:

(a) the economy of the state of Tennessee and opportunities for employment within the state are increasingly dependent upon the international exports of Tennessee state manufactured goods, commodities, and services and the growth of international export markets for those manufactured goods, commodities, and services;

(b) other states have utilized, or are preparing to utilize, the resources of their state governments to stimulate, facilitate and promote international exports;

(c) one in eight manufacturing jobs in the state is related to international export sales of manufactured goods;

(d) the export of services and agricultural products has become vital to the growth and stability of those sectors of the state economy;

(e) the position of Tennessee as an exporting state is threatened by aggressive government-supported export development policies of foreign countries;

(f) competition among businesses and countries will endure and intensify as more countries seek to expand their international export capacity;

(g) financial assistance offered by the federal government to small and medium-sized exporters is insufficient to meet the competition offered by foreign countries;

(h) Tennessee exporters find it increasingly difficult to compete with foreign exporters which benefit from their governmentally supported financing programs;

(i) small and medium-sized companies seeking to enter foreign markets face severe problems financing and insuring their transactions;

(j) expanding international export markets is essential in order to maintain a vigorous and growing economy and to provide adequate job opportunities for citizens;

(k) Tennessee has a responsibility to create employment opportunities by encouraging and stimulating the development of international export sales and markets by Tennessee companies; and

(1) that increased export sales may best be stimulated by making financial assistance available to Tennessee businesses to develop and expand international export markets and to ensure the competitiveness of Tennessee products and services in foreign markets, thereby increasing employment opportunities available to the citizens of the state.

It is hereby declared to be the policy of the state, in the interest of promoting the general welfare of all of the people of the state, to increase job opportunities through stimulating the expansion of international export markets for Tennessee products and services, especially those of small and medium sized businesses, by providing financial assistance through the authority hereinafter created for that purpose.

SECTION 3. There is hereby created within the department of economic and community development, the Tennessee Competitive Export Corporation, a body politic and corporate, hereinafter referred to as the "authority."

The purpose of this authority shall be:

(a) to assist, promote, encourage, develop and advance economic prosperity and employment throughout the state by fostering the expansion of exports of manufactured goods, commodities and services to foreign purchasers;

(b) to cooperate and act in conjunction with other organizations, public or private, the objects of which are the promotion and advancement of export trade activities in the state;

(c) to establish a source of funding credit guarantees and insurance to support export development not otherwise available particularly to small and medium-sized business;

(d) to provide financial counseling to potential and existing exporters.

SECTION 4.

(a) The governing and administrative powers of the authority shall be vested in a board of directors consisting of nine (9) members, all of whom shall be residents of the state, who shall be appointed by the governor by and with the advice and consent of the senate. The directors shall annually elect one of their members as chairman and one as secretary. The board may elect such other officers as it deems proper.

(b) Each member of the board shall be a person of recognized ability and experience in one of the following areas: finance; international trade; business management; and economics. The board shall be nonpartisan and the members shall be appointed without reference to their party affiliation.

(c) The governor shall appoint by and with the advise and consent of the senate three (3) members of the board whose term shall expire on the third Monday in June 1984, three (3) members of the board whose term shall expire on the third Monday in June 1985, and three (3) members of the board whose term shall expire on the third Monday in June, 1986. Their respective successors shall be appointed for terms of three (3) years from the third Monday in June of the year of appointment. Each member shall serve until his successor is appointed and qualified.

In case of vacancy in the office, when the senate is not in session, the governor may make a temporary appointment until the next meeting of the senate when he shall nominate such person to fill such office; and the person so nominated, who is confirmed by the senate, shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. If the senate is not in session at the time this act takes effect, the governor shall make temporary appointments as in the case of vacancies.

(d) Each director before entering upon his duties shall take and subscribe the oath or affirmation required by the Tennessee Constitution. A record of each such oath or affirmation shall be filed in the office of the secretary of state.

(e) Members of the board shall not be entitled to compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses

incurred in connection with the performance of their duties as members.

(f) Five (5) members of the board shall constitute a quorum and the affirmative vote of the majority of members present at a meeting of the board shall be necessary and sufficient for any action taken by the board, except that the affirmative vote of at least five (5) members shall be required for the approval of any guaranteed funding or resolution authorizing issuance of any bonds pursuant to this act.

(g) No vacancy in the membership of the board shall impair the right of a quorum to exercise all rights and perform all the duties of the board. Any action taken by the board may be authorized by resolution at any regular or special meeting and shall take effect immediately unless otherwise provided in the resolution.

(h) The board may delegate to one or more of its members or to its officials, agents or employees such powers and duties as it may deem proper.

SECTION 5. The authority shall possess all the powers of a body politic and corporate necessary and convenient to accomplish the purposes of this act, including, without any intended limitation upon the other powers hereby conferred, the following:

(a) to borrow money and otherwise incur indebtedness for any of its purposes; to issue its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, therefor;

(b) to purchase, discount, sell, negotiate with or without guaranty notes, other evidence of indebtedness, and to sell and guarantee securities;

(c) to procure insurance to guarantee, insure, coinsure and reinsure against political and credit risk of loss;

(d) to provide export financial counseling services;

(e) to procure insurance to secure the payment of principal and interest on any bonds, notes or other obligations of the authority;

(f) to accept gifts, grants or loans from and enter into contracts or other transactions with any federal or state agency, any municipality, any private organization or any other source;

(g) to report on an annual basis to the governor and the general assembly regarding its operations;

(h) to adopt, and from time to time amend or rescind such by-laws, rules and regulations as may be necessary or convenient for the performance of its functions, powers and duties under this act;

(i) to sue and be used;

(j) to purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

(k) to sell, convey, lease, exchange, transfer or otherwise dispose of, all or any of its property or any interest therein, wherever situated;

(l) to adopt and use a seal;

(m) to exercise all other powers and functions necessary or appropriate to carry out the duties and purposes set forth in this act.

SECTION 6.

(a) The authority is empowered to provide guaranteed funding, as defined in subsection (c) below, for any eligible export transaction, as defined in subsection (b) below, through a participating banking organization as defined in subsection (d) below.

(b) An eligible export transaction shall consist of a loan to any participating banking organization located within the state to finance an international pre-export or export from the state of Tennessee which, in the judgment of the authority, will: (1) create or maintain employment in Tennessee; and (2) shall contain at least twenty-five percent (25%) of the value of manufactured goods, commodities or services whose final manufacturing process occurs in Tennessee. Guaranteed funding may include a pool of individual export transactions, all of which, in the judgment of the authority, meet the foregoing conditions.

(c) Guaranteed funding shall consist of a guarantee against political or commercial loss in whole or in part of principal and interest on an eligible export transaction. Such a guarantee may include, without limitation, insurance against loss up to a stated amount. The maximum amount payable under any guarantee, herein called the "guarantee amount," shall be specifically set forth in writing,

executed by the chairman and secretary of the board, at the time any such guarantee is entered into by the authority. Any guarantee entered into by the authority hereunder shall not constitute a general obligation of the state of Tennessee. Any guarantee made by the authority hereunder shall not be terminated, cancelled or otherwise revoked except in accordance with the terms thereof; shall be conclusive evidence that such guarantee complies fully with the provisions of this act; and shall be valid and incontestable in the hands of a holder in due course of a guaranteed eligible export transaction.

(d) A participating banking organization shall be any state bank; any agency or branch of a foreign banking corporation licensed by the commissioner of banking of Tennessee; any national bank, federal savings and loan association, or any federal credit union located within Tennessee who has been approved by the board of directors of the authority to participate in guaranteed funding for an eligible export transaction within the purposes of this act. The authority may charge reasonable fees for providing guaranteed funding pursuant to this section to a participating banking organization.

(e) Prior to providing guaranteed funding hereunder, the participating banking organization shall make an investigation of a line of credit to the exporter in order to determine its viability, the economic benefits to be derived therefrom, the prospects for repayment, and such other facts as it deems necessary in order to determine that such guaranteed funding is consistent with the purpose of this act. The authority shall provide guaranteed funding only if, and to the extent that, it determines, in its sole discretion, that: (1) such guaranteed funding is reasonably necessary in order to stimulate or facilitate the making of the eligible export transaction (including, without limitation, the making of the eligible export transaction upon terms which will enable the transaction to be reasonably competitive with transactions in other states or in foreign countries) or (2) such guaranteed funding is reasonably necessary in order to stimulate or facilitate the resale of such eligible export transaction to a holder in due course which would not otherwise purchase such eligible export transaction. The authority may condition the provision of guaranteed funding hereunder upon such other terms and conditions as it may deem desirable to carry out the purposes of this act.

SECTION 7. On January 1 of each year the authority shall report on its operations for the preceding fiscal year to the governor and the general assembly. Such report shall include a summary of the activities of the authority and a complete operating and financial statement. The authority shall be

subject to examination by the state treasurer. The accounts of the authority shall be subject to annual audits by the state auditor.

SECTION 8. The powers enumerated in this act shall be interpreted broadly to effectuate the purposes thereof and shall not be construed as a limitation of powers.

SECTION 9. The authority shall be and hereby is exempt from all franchise, corporate, business and income taxes levied by the state, provided that nothing herein shall be construed to exempt from any such taxes any person receiving guaranteed funding with the authority hereunder.

SECTION 10.

(a) No director or any person acting on behalf of the authority executing any contracts, commitments or agreements issued pursuant to this act shall be liable personally upon such contracts, commitments or agreements or be subject to any personal liability or accountability by reason thereof.

(b) No director or any person acting on behalf of the authority shall be personally liable for damage or injury resulting from the performance of his duties hereunder.

SECTION 11.

(a) The authority is hereby authorized to issue, sell and provide for the retirement of bonds in an amount to be approved by the board of directors to provide funds for the creation and operations of the authority. Such bonds shall be limited obligations of the authority, the principal of and interest on which shall be payable solely out of the revenues derived by the authority. Bonds issued under authority of this section shall never constitute an indebtedness of the state of Tennessee or the authority within the meaning of any state constitutional provision or statutory limitation, but such bonds shall be indebtedness payable solely from a revenue producing source or from a special source, which source does not include revenues from any tax or license, and shall never constitute nor give rise to a pecuniary liability of the state of Tennessee or the authority or a charge against the general credit of the authority of the State or taxing powers of the state, and such fact shall be plainly stated on the face of each bond. Such bonds may be executed and delivered at any time as a single issue or from time to time as several issues, may be in such form and denominations, may be of such tenor, shall be in coupon or registered form, may be payable in such installments and at such time or times not exceeding five years from their date, may be subject to such terms of redemption, may be payable at such place or places, may bear

interest at such rate or rates payable at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all of which shall be provided in the resolution of the authority authorizing the bonds. Any bonds issued under the authority of this section may be sold at public or private sale at such price and in such manner and from time to time as may be determined by the authority to be most advantageous. The authority may pay all expenses, premiums, insurance premiums and commissions which the authority may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from proceeds of the bonds.

(b) The resolution under which such bonds are authorized to be issued or any security agreement, including an indenture or trust indenture to be entered into in connection therewith, may contain any agreements and provision customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of obligations, the creation and maintenance of special funds, and the rights and remedies available, in the event of default, to the bondholders or to the trustee under such security agreement, all as the authority shall deem advisable and as shall not be in conflict with the provisions of this act; provided, however, that in making any such agreements or provisions the authority shall not have the power to obligate itself except with respect to eligible export transactions and shall not have the power to incur a pecuniary liability or a charge upon the general credit of the authority or of the state or against the taxing powers of the state. The resolution of the authority authorizing any bonds hereunder and any security agreement securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or security agreement, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect any obligations and to apply any revenues pledged in accordance with such proceedings or the provisions of such security agreement. Any such security agreement may provide also that in the event of default in payment or the violation of any agreement contained in the security agreement, it may be foreclosed by proceedings at law or in equity, and may provide that any trustee under the security agreement or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale, if he is the highest bidder. No breach of any such agreement shall impose any pecuniary liability upon the state of Tennessee or the authority or any charge upon the general credit of the authority or of the state or against the taxing power of the state.

The trustee or trustees under any security agreement, or any depository specified by such security agreement, may be such persons or corporations as the authority shall designate, notwithstanding that they may be a nonresident of Tennessee or incorporated under the laws of the United States or any states thereof.

(c) Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by the authority by the issuance of its refunding bonds in such amount as the authority may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be refunded, together with any unpaid interest thereon and any premiums, expenses and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded have matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds for the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or, if they are called for redemption, prior to the date on which they are by their terms subject to redemption. All refunding bonds issued under the authority of this section shall be payable in the same manner and under the same terms and conditions as are herein provided for the issuance of bonds.

(d) The proceeds from the sale of any bonds issued under authority of this section shall be applied only for the purpose for which the bonds were issued; provided, however, that any premium and accrued interest received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of the proceeds shall not be needed for the purpose for which the bonds were issued, such unneeded portion of the proceeds shall be applied to the payment of the principal of or the interest on the bonds.

(e) The proceeds of the export development bonds shall be kept in a separate fund to be known as the "export development bond fund," which separate fund in the state treasury is hereby created. All other monies received by the authority shall also be deposited in such fund. The state treasurer may, with the approval of the board of directors of the authority, invest and reinvest all monies in such fund from time to time in such obligations of the United States government or such other governmental or corporate issuers as the treasurer, with the approval of the

board of directors of the authority deems appropriate. All earnings upon such investments shall be added to such fund.

SECTION 12. The bonds authorized pursuant to this act and the income therefrom shall be exempt from all taxation in the state of Tennessee except for inheritance, estate or transfer taxes; and all security agreements and financing agreements made pursuant to the provisions of this act shall be exempt from Tennessee stamp and transfer taxes.

SECTION 13. The authority is authorized to create an insurance fund from monies in the export development bond fund. Such fund shall be held in the custody of one or more banks or trust companies having a principal place of business in this state. The fund shall be held as security for the holders of bonds issued under this act. It shall be governed by a trust agreement entered into by authority with the trustees. The trust agreement may contain such provisions and limitations as to the investment and disbursement of monies in the fund, the payment of expenses of the fund, the appointment, resignation and discharge of trustees, the delegation of enforcement and collection powers under the insurance agreements to the trustee, the duties of the trustees, amendments of the trust agreement and such other lawful provisions and limitation as may be deemed appropriate by the authority. The trust agreement may pledge premiums and other monies which may be deposited in the fund. Such pledge shall be valid and binding from the time when the pledge is made. The premiums and other monies so pledged and thereafter received by the fund or by the trustees in its behalf shall immediately be subject to the lien of such pledge and shall be valid and binding as against all parties having claims of any kind against the fund, irrespective of whether such parties have notice thereof.

The authority may also use export development bond funds to purchase insurance which shall be pledged for the security of the holders of any bonds issued under this act. In any case in which insurance is pledged as security, whether obtained through the insurance funds authorized to be created under this section or purchased with export development bond funds, any description of such insurance shall expressly indicate the limitation of the liability of the authority and that neither the credit nor taxing power of the state or any political subdivision thereof shall be available to satisfy any obligations with respect thereto.

SECTION 14. The bonds, debentures, notes, or other evidence of indebtedness of the authority are hereby made securities in which all public officers and bodies of the state and all municipalities and municipal subdivisions all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, savings associations, including savings and loan associations and building and loan associations, investment companies, and other persons carrying on banking business (all administrators,

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guardians, executors, trustees, and other fiduciaries), and all other persons whatsoever who are now or who may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. Notwithstanding any other provisions of law, the bonds, debentures, notes, or other evidence of indebtedness of the authority are also made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized.

SECTION 15. Any information submitted to or compiled by the authority in connection with the authority's responsibilities with respect to the identity, background, finance, marketing plans, trade secrets or any other commercially sensitive information of persons, firms, associations, partnerships, agencies, corporations or other entities, shall be confidential, except to the extent that the person or entity which provided such information consents to disclosure.

SECTION 16. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which the authority might otherwise have under any laws of this state, but shall be construed as cumulative.

SECTION 17. If for any reason any section or provision of this act shall be held to be invalid or unconstitutional, such holding shall not affect the validity or applicability of the remainder of this act.

SECTION 18. This act shall take effect July 1, 1983, the public welfare requiring it.

Mr. Copeland moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting in Section 2, subsection (i) in its entirety and by substituting instead the following:

(i) small and medium-sized companies, which are defined to be those with sales not exceeding \$25 million and net worth not greater than \$2 million, seeking to enter foreign markets face severe problems financing and insuring their transactions;

AND FURTHER AMEND in Section 3 by inserting between the words and punctuation "economic and community development," and "the Tennessee Competitive" the following words and punctuation:

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an agency of the State of Tennessee,

AND FURTHER AMEND by deleting the language of Section 4 (a) in its entirety and substituting instead the following:

Section 4.

(a) The governing and administrative powers of the authority shall be vested in a board of directors consisting of nine (9) members who shall be the Secretary of State, the Comptroller of the Treasury, the State Treasurer, the Commissioner of Finance and Administration, the Commissioner of Economic and Community Development, and four (4) members appointed by the Governor with the advice and consent of the Senate. The members who are not appointed by the governor may each designate a person to act on behalf of such member at any meeting of the board at which such member is not present, provided that such members shall have filed with the Secretary of State the name of such person so designated.

AND FURTHER AMEND in Section 4 (b) by inserting in the first sentence between the words "Each member of the board" and "shall be a person of" the following words:

appointed by the governor

AND FURTHER AMEND in Section 4 (b) by deleting the second sentence in its entirety and substituting instead the following:

The board shall be nonpartisan, and the members appointed by the governor shall be appointed without reference to a political party affiliation, and, to the extent compatible with this subsection, reflect a composition similar to the state's population.

AND FURTHER AMEND in Section 4 (c) by deleting the first sentence in its entirety and by substituting instead the following:

The term of the non-appointed members of the board shall be consistent with the duration of their respective terms of office in their capacity as State Officials. The governor shall appoint four (4) members to the board within thirty (30) days from the date on which this bill becomes law. The term for members appointed by the governor shall be staggered in the following manner; two of the members shall serve until the third Monday in June of 1984 at which time their position shall expire; the other two members shall serve until the third Monday in June of 1985 at which time their position shall expire.

AND FURTHER AMEND in Section 4 of the new subsection (g) in the first line by deleting the word and figure "Five (5)" and substituting instead the word and figure "Six (6)".

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AND FURTHER AMEND Section 4, in the new subsection (i) by adding between the words "agents or employees such" and "powers and duties as" the word "administration".

AND FURTHER AMEND in Section 5, by adding after the semicolon (:) at the end of subsection (j) the following:

however, neither this act nor any other law shall be construed as having vested this authority with the power of eminent domain;

AND FURTHER AMEND in Section 4 by adding a new subsection (f) and by relettering the present subsections (f), (g), and (h) to be (g), (h), and (i) respectively. The new subsection (f) to read as follows:

(f) The Secretary of State shall call a meeting of the members of the board within thirty (30) days after notification by the governor of the appointment of the four (4) members. The Secretary of State shall serve as chairman for the purpose of organization and election of a chairman and a secretary each to be elected from the four (4) members appointed by the governor. The board shall annually elect from the members appointed by the governor a chairman and a secretary.

AND FURTHER AMEND in Section 6 by deleting subsection (b) in its entirety and substituting instead the following:

(b) An eligible export transaction shall consist of a loan to any participating banking organization located within the state to finance an international pre-export or export from the state of Tennessee which, in the judgement of the authority, will create or maintain employment in Tennessee.

To be eligible for financing under this act, at least 25% of the final value of any manufactured products, commodities, or services, shall have occurred in Tennessee.

Guaranteed funding may include a pool of individual transactions, all of which in the judgement of the authority, meet the foregoing conditions.

AND FURTHER AMEND in Section 6, subsection (d) by deleting the word "who" and substituting instead the word "which" in the first sentence.

AND FURTHER AMEND in Section 7 by deleting the third sentence in its entirety and substituting instead the following:

The authority shall be subject to examination and audit by the state comptroller of the treasury in the same manner as prescribed for all departments and agencies of the state of Tennessee.

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AND FURTHER AMEND by deleting Section 9 in its entirety and by substituting instead the following:

SECTION 9. The property and revenues of the authority or any interest therein shall be exempt from all state, county and municipal taxation. Bonds issued pursuant to this Act and the income therefrom shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes, and it shall be so stated on the face of said bonds. Provided that nothing herein shall be construed to exempt from taxes legally imposed by the state or any county or municipality within the state upon any person receiving guaranteed funding with the authority hereunder.

AND FURTHER AMEND in Section 11, subsection (a) by deleting the first sentence in its entirety and substituting instead the following:

The authority is hereby authorized to issue and sell bonds in such amount as may be authorized by the Tennessee General Assembly to provide guaranteed funding for the purposes stipulated in Section 6 hereof, and to provide for the retirement of such bonds and the interest thereon.

AND FURTHER AMEND, in Section 11, subsection (c), in the first sentence by deleting the word "refund" between the words "sufficient to" and "the principle" and substituting instead the word "redeem".

AND FURTHER AMEND in Section 12 by deleting that section in its entirety and substituting a new Section 12 as follows:

All security agreements and financing agreements made pursuant to the provisions of this act shall be exempt from Tennessee stamp and transfer taxes.

AND FURTHER AMEND in Section 14 in the first sentence by deleting the words "all public officers and bodies of the state and all municipalities and municipal subdivisions".

On motion Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, on motion, Amendment No. 1, as amended, was adopted.

Mr. Copeland moved that House Bill No. 499 be placed on the Calendar for Monday, April 18, 1983, which motion prevailed.

House Bill No. 27--To regulate retail sale, alcoholic beverages.

On motion, House Bill No. 27 was made to conform with Senate Bill No. 564.

On motion, Senate Bill No. 564, on same subject, was substituted for House Bill No. 27.

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Mr. Murphy moved that Senate Bill No. 564 be passed on third and final consideration.

Mr. Owen moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 564 by inserting the following new section immediately before the effective date section and renumbering the subsequent sections accordingly:

Section . Tennessee Code Annotated, Section 57-4-293, is amended in subsection (i) (2) by inserting in the third sentence the words "nor a private club" after the words "private home" and before the words "or a private place".

Tennessee Code Annotated, Section 57-4-203 (i) (2) is further amended in the fourth sentence by inserting the following words:

providing the alcoholic beverage is the property of the host, guest, or club member.

after the word "chapter" and before the period (.).

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 564 by deleting the final sentence of the amendatory language of Section 2.

AND FURTHER AMEND by adding the following new section immediately preceding the final section and by renumbering the final section accordingly:

SECTION ____ . Tennessee Code Annotated, Section 57-4-102 (b) is amended by inserting in said paragraph, in the third line thereof, following the words "...appropriate federal or state agency, ..." the following additional words:

or under an exemption from the requirement of obtaining a certificate of public convenience and necessity but otherwise regulated by an appropriate federal or state agency,...

On motion, the amendment was adopted.

Mr. Murphy moved that Senate Bill No. 564 be placed on the Calendar for Thursday, April 28, 1983, which motion prevailed.

House Bill No. 344--To make certain provisions, convicted felons.

Mr. Robertson moved that House Bill No. 344 be passed on third and final consideration.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 344 by deleting Sections 2, 3, and 4 in their entirety and by renumbering the remaining sections accordingly.

On motion, the amendment was adopted.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 344 by adding a new Section as follows:

SECTION _____. Tennessee Code Annotated, Section 8-35-116 is amended by adding a new Subsection as follows:

() Notwithstanding any provision of law to the contrary, any member of the superseded County Officials' Retirement System may establish credit for service as a member of a county board of education upon certification of such service and the payment of the contributions which the member would have made plus interest as required by Section 8-37-214; provided the governing body of the county authorizes and accepts the liability for such credit by passage of a resolution. Application for service credit under this provision shall be made within ninety (90) days after the effective date of the act.

On motion, the amendment was adopted.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 344 be adding a new section, as follows, immediately before the effective date section and by renumbering the effective date section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 344, as amended, passed its third and

final consideration by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsen, Ford, Frenaley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Mills, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nalfah, Nance, Napier, Owen, Perey, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

House Bill No. 321--To change time of appointment, county election commissioners.

Mr. Robertson moved that House Bill No. 321 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 321 be deleting the word "June" from Section 1 and by substituting instead the word "May".

On motion, the amendment was adopted.

Ms. Duer moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 321 by adding the following language as a new Section 2, renumbering subsequent sections accordingly:

SECTION 2. Tennessee Code Annotated, Section 2-12-101, is amended by adding the following language at the end of the first paragraph:

The appointments of commissioners for each county election commission shall be made by the state election commission from persons recommended to it for appointment as such commissioners by the appropriate county executive committee

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of the respective political party and the members of the general assembly who represent such county.

Mr. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed.

Thereupon, House Bill No. 321, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Representative present and not voting was: Bewley--1.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Bill No. 781--To provide for notice of appellate decrees.

House Bill No. 1027--To amend Title 40, Chapter 25, Code.

House Bill No. 865--To amend County Correctional Incentives Act.

House Bill No. 1257--To set jurisdiction, general sessions court, Washington County.

House Bill No. 1276--To levy wheel tax, Johnson City.

On motion, House Bill No. 1276 was made to conform with Senate Bill No. 1189.

On motion, Senate Bill No. 1189, on same subject, was substituted for House Bill No. 1276.

House Bill No. 1271--To levy tax on lodging, Rutherford County.

House Joint Resolution No. 155--Relative to congratulating Covington High School boys' basketball team.

House Joint Resolution No. 156--Relative to honoring Stewart County High School.

House Joint Resolution No. 158--Relative to commending the Marching Mothers.

House Joint Resolution No. 157--Relative to commending certain officials, rail warning system, Knoxville.

Senate Joint Resolution No. 86--Relative to commending Mayor A.K. Bissell.

Senate Joint Resolution No. 87--Relative to congratulating T.V.A.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

RESOLUTION LYING OVER

Senate Joint Resolution No. 85--Relative to beam-weapon missile defense development.

The Speaker referred Senate Joint Resolution No. 85 to the Committee on Calendar and Rules.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 494--To make provisions, plea bargaining.

SENATE AMENDMENT NO. 1

Amend House Bill No. 494 by adding the following to the end of the amendatory language of Section 1:

If any district attorney general or if the attorney general and reporter violates the provisions of this act, such district attorney or attorney general shall be guilty of a misdemeanor.

Mr. Whitson moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 539--To make certain provisions, constables.

SENATE AMENDMENT NO. 2

Amend House Bill No. 539 by adding the following figures in the appropriate columns of Section 1 designated as

"not less than"

"nor more than":

14,940

15,000

49,440

49,500

74,500

74,600

Mr. Yelton moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes 91

Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

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Mr. Murphy moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 169 out of order, which motion prevailed.

House Joint Resolution No. 169--Relative to memory, John C. Tune, Jr.--By Murphy, McKinney, Chiles, Clark (Davidson), Disspayne, Ellis, Love, Robinson (Davidson), Cobb, Covington, Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

Mr. Murphy moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 169, which motion prevailed.

Mr. Murphy moved that House Joint Resolution No. 169 be adopted, which motion prevailed be the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Gill moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 170 out of order, which motion prevailed.

House Joint Resolution No. 170--Relative to congratulating Memphis State University women's basketball team--By Gill, Williams,

Gaia, Withers, Kent, Byrd, Nance, Shirley, Hassell, Moore (Shelby), Kernell, DeBerry, Naifeh and Tanner.

Mr. Gill moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 170, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Gill moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 171 out of order, which motion prevailed.

House Joint Resolution No. 171--Relative to congratulating Memphis State University men's basketball team--By Gill, Kent, Naifeh, Tanner, Williams, Nance, Shirley, Hassell, Kernell, Byrd, Moore (Shelby), Withers, Turner and DeBerry.

Mr. Gill moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 171, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Bewley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 166 out of order, which motion prevailed.

House Joint Resolution No. 166--Relative to Greene County Bicentennial Day--By Bewley and Whitson.

Mr. Bewley moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 166, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne,

Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 159--Relative to urging T.W.R.A. to withdraw involvement, Mississippi Valley Population Plan--By Moore (Shelby).

The Speaker referred House Joint Resolution No. 159 to the Committee on Calendar and Rules.

House Joint Resolution No. 160--Relative to extending geese hunting season through January 31--By Moore (Shelby).

The Speaker referred House Joint Resolution No. 160 to the Committee on Calendar and Rules.

House Joint Resolution No. 161--Relative to congratulating McMinn County High School--By Webb, Harrill and Stafford.

Under the rules, House Joint Resolution No. 161 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 162--Relative to congratulating McMinn Central High School boys' basketball team--By Webb, Harrill and Stafford.

Under the rules, House Joint Resolution No. 162 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 165--Relative to study, the quality of education--By Starnes.

The Speaker referred House Joint Resolution No. 165 to the Committee on Education.

House Resolution No. 30--Relative to study, subsurface sewage disposal--By DePriest, Pickering and Stafford.

The Speaker referred House Resolution No. 30 to the Committee on Agriculture.

INTRODUCTION OF BILLS

House Bill No. 1280--To amend charter, Murfreesboro--By Bragg.
Passed first consideration.

House Bill No. 1281--To amend charter, Huntingdon--By Kelley.
Passed first consideration.

House Bill No. 1282--To authorize tax on lodgings, Scott County
--By Davis (Pickett) and Robertson.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 415--To define nonjudicial days, Juvenile
Courts.

Passed first consideration.

Senate Bill No. 480--To regulate expenses, attending training
sessions.

Passed first consideration.

Senate Bill No. 484--To amend Section 37-415, Code.

Passed first consideration.

Senate Bill No. 585--To amend Section 36-828, Code.

Passed first consideration.

Senate Bill No. 632--To prohibit causes, live birth.

Passed first consideration.

Senate Bill No. 663--To regulate competency, certain medical
tests.

Passed first consideration.

Senate Bill No. 688--To amend Title 55, Chapter 8, Code.

Passed first consideration.

Senate Bill No. 867--To regulate enforcement, tax liens.

Passed first consideration.

Senate Bill No. 1087--To regulate motor vehicle fuel use tax.

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Passed first consideration.

Senate Bill No. 1091--To limit authority, refund taxes.

Passed first consideration.

Senate Bill No. 1100--To define net earnings for corporate excise tax purposes.

Passed first consideration.

Senate Bill No. 1115--To regulate purchase, certain products.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1278--To amend charter, Dowelltown.

Passed second consideration and held without reference.

House Bill No. 1279--To provide for general sessions court, Madison County.

Passed second consideration and held without reference.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 192, 599, 849 and 869; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

849--To regulate hunting, birds and animals; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

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59--To regulate sale of certain animals;

474--To increase litigation tax, Anderson County;

702--To regulate purchasing, Hamilton County;

735--To provide for compensation, city officials, Murfreesboro;

1243--To amend Charter, Lafayette;

1259--To regulate Board of Utilities, Maryville;

1260--To regulate issuance of certain licenses, Chester County;

1261--To regulate Public Works Committee, Tipton County;

1262--To levy tax on lodgings, Henderson County;

1263--To provide for certain privilege taxes, Jefferson County;

1267--To provide for advisory referendum, Lexington;

1268--To regulate school districts, Tipton County;

1275--To amend revised Charter, Jackson; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

311--To make certain provisions, automobile insurance;

492--To make certain provisions, campaign advertising;

855--To enact "Financial Records Privacy Act"; all substituted for Senate Bills on same subject, all amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills

Nos. 721, 1235 and 1253, with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 18, 1983: House Bills Nos. 335, 759, 39, 577, 408, 410, 1176, 490, 715, 286, 779, 780, 884, 899, 582, 876, 1141, 205 and 1136.

GILL, Chairman.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 18, 1983:

House Bill No. 580--Drew

House Bill No. 634--Kisber

House Bill No. 340--Shockley

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, April 20, 1983:

House Bill No. 912--Gill

Senate Bill No. 746--Work

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1278 and 1279.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 18, 1983: Senate Joint Resolutions Nos. 58, 31 and House Bills Nos. 1278 and 1279; and House

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Joint Resolutions Nos. 161 and 162.

GILL, Chairman.

BILLS WITHDRAWN

On motion of Mr. King (Shelby), House Bill No. 555 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. King (Shelby), House Bill No. 555 was withdrawn from the House.

On motion of Mr. King (Shelby), House Bill No. 557 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. King (Shelby), House Bill No. 557 was withdrawn from the House.

On motion of Mr. McAfee, House Bill No. 1198 was recalled from the Committee on General Welfare.

On motion of Mr. McAfee, House Bill No. 1198 was withdrawn from the House.

On motion of Ms. Montgomery, House Bill No. 54 was recalled from the Committee on Judiciary.

On motion of Ms. Montgomery, House Bill No. 54 was withdrawn from the House.

BILL RE-REFERRED

On motion of Mr. Anderson, House Bill No. 1153 was recalled from the Committee on Commerce.

On motion of Mr. Anderson, House Bill No. 1153 was re-referred to the Committee on State and Local Government.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 279--Herndon (co-prime), Dixon

House Bill No. 473--Severance

House Bill No. 499--Withers

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 59, 474, 702, 735, 849, 1243, 1259, 1260, 1261, 1262, 1263, 1267, 1268 and 1275; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 59, 474, 702, 735, 849, 1243, 1259, 1260, 1261, 1262, 1263, 1267, 1268 and 1275.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 361, 496, 608, 666, 803, 953, 1258 and 1264; also, House Joint Resolutions Nos. 140 and 149; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No:

163--Relative to congratulating Oliver Springs Lady Bobcats; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos:

799--To make certain provisions, loans;

805--To amend Title 49, Chapter 4, Code; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No:

29--Relative to state technical institute, Blount County; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

515--To regulate tax, bill of costs, Norris;

559--To amend Section 49-215 (4), Code;

609--To regulate fireworks;

635--To amend Section 49-1314, Code;

673--To regulate selection, county medical examiners;

848--To establish permanent program, comprehensive education, Hamilton County;

884--To transfer school transportation equipment, certain counties;

922--To regulate sale of alcoholic beverages, certain historic centers;

976--To change interest rate, real estate sold for debt;

991--To regulate operation, transitory vendors; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 321, 344, 545, 781, 865, 1027, 1257 and 1271; and House Joint Resolutions Nos. 155, 156, 157, 158, 166, 169, 170 and 171; and find same correctly engrossed and ready for

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transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 361, 496, 608, 666, 803, 953, 1258 and 1264; and House Joint Resolutions Nos. 140 and 149; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

APPOINTMENT TO STANDING COMMITTEE

The Speaker announced that he had appointed Representative Withers as a member of the Committee on Finance, Ways and Means and Judiciary.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit the House, Senate Bills Nos. 92, 140, 309, 396, 431, 437, 533, 1004, 1044, 1186 and 1187; also Senate Joint Resolution No. 82; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 92, 140, 309, 396, 431, 437, 533, 1004, 1044, 1186 and 1187; and Senate Joint Resolution No. 82.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 539, 799 and 805; and House Joint Resolution No. 163; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 539, 799 and 805; and House Joint Resolution No. 163.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1189; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bill No. 1189.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m., Monday, April 18, 1983.